

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. David John Welch

Docket No. 5:12-CR-85-1BR

Petition for Action on Conditions of Pretrial Release

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting an official report upon the conduct of defendant, David John Welch, who was placed under pretrial release supervision by the Honorable W. Earl Britt, Senior U.S. District Judge, sitting in the Court at Raleigh, North Carolina, on the 2nd day of April, 2012, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Surrender any passport to the United States Probation Office.
- Obtain no passport.
- Undergo medical or psychiatric treatment.
- Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

The defendant appeared before the Honorable W. Earl Britt, Senior U.S. District Judge, for his initial appearance and arraignment, on the 2nd day of April, 2012, and was placed on pretrial supervision at that time.

On June 28, 2012, the court was notified that the defendant tested positive for marijuana on April 2 and 16, May 22, and June 12, 2012. The laboratory confirmed that the defendant had new marijuana use prior to his urinalysis on May 22 and June 12, 2012. The defendant was scheduled for sentencing on July 9, 2012, and it was recommended that the defendant be continued under the existing conditions of probation. The frequency of his urinalysis tests increased in addition to his attendance in mental health counseling with our local provider.

On July 9, 2012, the defendant was sentenced to 24 months in the custody of the Bureau of Prisons followed by three years of supervised release. At sentencing, the court ordered that the defendant self surrender on a date designated by the U.S. Marshals Service.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for marijuana on July 2 and 18, 2012. When confronted, the defendant signed an admission, admitting to the use of marijuana on June 30, 2012. This constitutes the defendants third use of marijuana since his release. Although the defendant is reporting for his urinalysis tests and is cooperating with substance abuse treatment, it is recommended that the allowance for voluntary surrender be retracted and the defendant be taken into custody immediately.

PRAYING THAT THE COURT WILL ORDER that defendant be taken into custody as soon as possible to begin service of his 24 month imprisonment sentence imposed on July 9, 2012.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

/s/Mindy L. Threlkeld

Robert L. Thornton

Mindy L. Threlkeld

Supervising U.S. Probation Officer

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: (910) 483-8613

Executed On: July 18, 2012

ORDER OF COURT

Considered and ordered this 19 day of July, 2012, and ordered filed and made a part of the records in the above case. The order of self-report is rescinded. Defendant shall be taken into custody to begin the service of his sentence.

W. Earl Britt

Senior U.S. District Judge